FINDING OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit side yard setbacks of 10 feet and 24 feet in lieu of the required 50 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned R.C. 5, is located in the Critical Areas of the Chesapeake Bay. The property is an umimproved building lot consisting of approximately .25 acres, plus or minus, and is only 50 feet wide. The Petitioner testified that the property was a gift from his sister in 1969. Petitioner proposes to construct a one-story dwelling, approximately 16 feet wide by 42 feet long, for himself. The Petitioner indicated that due to the width of the lot, there is no way he can comply with the setback requirements of the zoning regulations.

The Petitioner seeks relief from Section 1A04.3B3 pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property.

It is clear from the testimony that if the variances were granted, subject to the restrictions as more fully described below, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

> POINT OF BEGINNING BEING 50 FEET SOUTH OF STONE FOUND EAST SIDE GOOSE NECK ROAD, 30 FEET WIDE. THENSE LEAVING AFORESIDE STONE THE FOLLOWING COURSES AND DISTANCES: (1) N45°-42-00E, FOR 195.4 FEET; N85°-30-20E, FOR 78.10 FEET; S45°-42-00W, FOR 255.4 FEET; AND, N440-18-00W, FOR 50 FEET TO PLACE OF BEGINNING. BEING LOT #236 IN THE SUBDIVISION OF BOWLEYS QUARTER, CONTAINING .25 ACRES. DISTRICT 15 - 8th PRECINCT.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare if Petitioner complies with the conditions set forth herein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted, subject to the restrictions set forth below.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of April, 1988 that side yard satbacks of 10 feet and 24 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GMANTED, subject, however, to the following restrictions:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> 2) The Petitioner shall comply with the requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated March 15, 1988 and December 29, 1987 attached hereto and made a part hereof

AMN:bjs

1 M Naster and ANN M. NASTAROWICZ Deputy Zoning Commissioner of Baltimore County

Boyley's Darter's Rd. Goose Neck Rd PUBLIC WATER EXISTS TO SITE PRIVATE SEPTIC SYSTEM HAS NOT BEEN ESTABLISHED 1250' TO GOOSE Couse VECK Rd. HARBOR RD Let size over-10,000 gift. Plat for Zoning Variance
. 25 acres Country - Engene - Dreetly Sabol, SR. District 15 Zored Re-5 SITE LIES WITHIN THE CHESAPEAKE - Plat Liber Live II By Volio 12 BAY CRITICAL AREA

Scule 1"=50'

Mr. Eugene A. Sobul, Sr. 826 S. Kerwood Avenue Baltimore, Haryland 21224 RE: Petition for Zoning Variance
NE/S Goose Neck Road, 1250 NW of Goose Harbor Road (1302 Goose Neck Road) 15th Blection District - 5th Councilmanic District Case No. 88-345-A Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restrictions noted in the attached Order. In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office. Very truly yours, ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County CC: People's Counse

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PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Varience from Section 1A04.3.B.3 to permit side yard setbacks of 10 feet and 24 feet in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; following reasons: (indicate hardship or practical difficulty) I Dise to size of lot Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): Gype or Print Name) City and State Attorney for Petitioner: City and State Name, address and phone number of legal owner, con-tract purchaser or representative to be contacted Luzene A. Schol Sin Attorney's Telephone No.:

Address 21224 Phone No.

of Alle County of Baltimore County, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108. County Office Building in Towson, Baltimore get day of March 19.55, at I o'clock

Zoning Commissioner of Baltimore County

"DUPLICATE" CERTIFICATE OF PUBLICATION

and published in Towson, Baltimore County, Md., appearing on

TOWSON, MD. Feb. 18, 19.88 Zonung Act and Requisitors of Bots more County, will hadd a publi mure County, will hadd a publi-hearing on the proporty identified herein in Room 106 of the Courts Other Building, located at 111 W Chesapeake Avenue in Towson Marriand as fullions: Cause mathew 485-365 A Proton for Zoning Variance NE'S Cause heek Rood, 1258' NW Guine Harbur Rood 15th Election Discret — 5th Courts' mans District Protoner Eugene A Subad, Se DATE TIME, Wedningley, March 9, 1988 at 948 p.m. THIS IS TO CERTIFY, that the sunexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed

Feb. 15 10 88

THE JEFFERSONIAN.

Susan Sender Obrest

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3191 Feb. 18

I ROBERT HAINES

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The state of the s Miami Beach **We Times** NOTICE OF HEARING The Zening Commissioner of Balti-more County, by authority of the Zon-ing Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Avenue in This is to Certify, That the annexed Towson, Maryland as follows: Case Number: 88-348-A Case Number: 00-56-56

Petition for Zoning Variance
NE/S George Neck Road, 1250' NW
Goose Harber Road
15th Election District, 5th Councilmanic District
Petitioner: Eugene A. Sobul, Sr.
DATE/TIME: Wednesday, March Reg m10791 was inserted in the Times, a newspaper printed 9, 1868 AT 9:00 A.M. Variance to permit side yard set-backs of 10 feet and 24 feet in lieu of and published in Baltimore County, once in each the required 50 feet.
(FOR SNOW DATE, CALL 494-3391) In the event that this Petition is vanted, a building permit may be isolated within the thirty (30) day appeal bod. The Zoning Commissioner to however, entertain any request factory of the issuance of said permits of the period for good causeing alpha request must be in writing alpha period for good causeing alpha period for period CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland Date of Posting 7/17/88 District 13 74 Posted for: Vaylones Eugene A. Sobul, Sn Location of property: NF/S Goose Net Ry 1250' No/Goose Horacky Location of Signes Foring Good, Noct Ad, 912270x 15 Fx 100 dway Date of return: 7/19/87

Sumber of Signat

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	Baltimore County Zoning Commissioner Office of Planning & Zoning	
	Towson, Maryland 21204 494-3353 J. Robert Heines	
	Zonby Commissioner Date:	r.
	Mr. Eugene A. Sobul, Sr/. 826 Kenwood Avenue Beltimore, Maryland 21224 Dennie	F. F.
	Re: Case number: 88-345-A Petition for Zoning Variance NE/S Goose Neck Road, 1250' NW Goose Harbor Road 15th Election District - 5th Councilmanic District Petitioner: Eugene A. Sobul, Sr.	
	Dear Mr. Sobult	
	Please be advised that $\frac{\Psi(SG)}{I}$ is due for advertising and posting of above-referenced property. All advertising and posting fees must be paid the hearing. Do not remove the sign(s) from the property from the time it this office until the day of the hearing itself.	prio
	THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.	
	Please make your check payable to Baltimore County, Maryland and forw to the Zoning Office, County Office Building, Room 113, Towson, Maryland 2	
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percy	Item # 185, Zoning Advisory Committee Meeting of December 1,1959 Owner: Eugene A Schal, Sr. I: NE/S Goese Neck Rd. 1256' NW Goose Hurber Rd. District 15	Z_
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	Co March 3	
	BALTIMORE COUNTY, MARYLAND	
	INTER-OFFICE CORRESPONDENCE	
	Mr. J. Robert Haines Zoning Commissioner Date February 22, 1988	
	P. David Fields ROM. Director of Planning and Zoning Zoning Petition Nos. 88-367-X, 88-369-A, 88-370-A, 88-344-A, 88-345-A, BJECT_88-346-A, 88-351-SPHX, 88-353-X, 88-371-A MAR 1 1988	•
	ZONING OFFICE	
	There are no comprehensive planning factors requiring comment on this petition.	
		e consumer
	P. David Fields per Storwell P. David Fields Director	
	PDF:dme	According to the state of the s
	cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel File	
	BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this 29th day of becember , 1987.	
	T. ROBERT HAINES JONING COMMISSIONER tioner Eugene A. Sobul, Sr. Received by: James F. D. Pr tioner's Chairman, Zoning Plans rney Advisory Committee	
BALT	I MORE COUNTY ZONING PLANS ADVISORY COMMITTEE	- Philipping and a second a second and a second a second and a second a second and a second and a second and
	February 25, 1988	
COUNTY OFFICE BLD: 111 W. Chesapeake Towson, Maryland	Ave. 21204 Mr. Eugene A. Sobul, Sr. 826 South Kenwood Avenue	
	Baltimore, Maryland 21224 RE: Item No. 185 - Case No. 88-345-A	
MEMBERS	Petitioner: Eugene A. Sobul, Sr. Petition for Zoning Variance	
Bureau of Engineering	Dear Mr. Sobul:	
Department of Traffic Engineeric State Roads Commit Bureau of Fire Prevention	are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may	
Health Department Project Planning Building Departmen	written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.	T R f
Board of Education Zoning Administrat	# LUMBATTERM AT INICE TIMA INSE STOME SE SE SE SE SE SE SE SE	A

received, I will forward them to you. Otherwise, any comment that

is not informative will be placed in the hearing file. This

petition was accepted for filing on the date of the enclosed

Very truly yours,

AMES E. DYER Chairman

lames & Depen /KRAS

Zoning Plans Advisory Committee

filing certificate and a hearing scheduled accordingly.

Industrial

Development

JED:kkb

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Townon, Maryland 21204
494-3554 Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Haryland 21204 Cear Mr. Haines: The Bureau of Traffic Engineering has no comments for items number 184, 185 186, 187, 188, 189, 190, 191, 192, and 193. Very truly yours. Traffic Engineer Associate II Baltimore County
Fire Department
Towson, Maryland 21204-2566
494-4500 Paul H. Reincke Chief December 9, 1987 J. Robert Haines Zoning Cammissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204 Re: Property Owner: Eugene A. Sobul, Sr. (Critical Area) Item No.: 185 Zoning Agenda: Meeting of 12/1/87 Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "K" are applicable and required to be corrected or incorporated into the final plans for the property. () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. () 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at EXCERDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy. () 6. Site plans are approved, as drawn. () 7. The Fire Prevention Bureau has no comments at this time. REVIEWER: Call Jane K. Killy 12 10 87 Approved: Jelle & C'Heill Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines Sonny Communication NOTICE OF HEARING he Zoning Commissioner of Paltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identi-ied herein in Room 106 of the County Office Building, located at 111 W. Chesapeake ivenue in Towson, Maryland as follows:

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Case number: 38-345-A

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

MISCE LANEOUS CASH RECEIPT

Petition for Zoning Variance NE/S Goose Neck Road, 1250' NW Goose Harbor Road

15th Election District - 5th Councilmanic District Petitioner: Eugene A. Sobul. Sr.

Variance to permit side yard setbacks of 10 feet and 24 feet in lieu of the required 50 feet.

om a construction as a constant of permit may be insued within

ioner will, however, entertain

during this period for good ived in this office by the date

DATE/TIME: WINEMRY MARCH 9, 1988 at 9:00 a.m.